

# MEMORANDUM ENDORSED



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June 30, 2023

**VIA ECF**

Hon. Gabriel W. Gorenstein  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Request for Adjournment in *White v. DistroKid.*, No. 22-cv-2205-VEC-GWG

Dear Judge Gorenstein:

The Court has ordered the Parties to attend a Rule 16 conference presently scheduled for 10:30a.m. on Thursday, July 6, 2023. Dkt. 46.

I respectfully request that the Court to reschedule the conference to **Thursday, September 7, 2023, at 10:30am** because the parties are all currently engaged in mediation, counsel for Plaintiff and DistroKid are unavailable, and all of the parties have consented to change the date to September 7. The parties request the Court change the date for three reasons.

First, all parties have consented to changing the date to September 7. Plaintiff's counsel has conferred with both DistroKid and Ms. Rivers and all parties agree to change the date of the Rule 16 conference. Thus, the Parties have conferred, and I have consulted with the Deputy Clerk regarding the proposed date and times available for a rescheduled hearing. Second, Plaintiff's counsel conferred with both DistroKid and Ms. Rivers about available dates starting at the end of August. September 7, 2023 was the earliest date that all parties would be available for a conference.

Second, counsel for Plaintiff and Defendant DistroKid are traveling. Plaintiff's counsel will be out of the country and unavailable by phone on July 6, 2023. Mr. Boren, lead counsel for DistroKid, will be on vacation and in a time zone which will require him to be on the Court call at 4:30 a.m. Due to travel schedules and family obligations, among other reasons, counsel for Plaintiff Brian White and for Defendant DistroKid cannot make the scheduled time.

Third, the parties are all actively engaged in the mediation program. The parties respectfully would ask for time to try and exhaust the possibility of amicable resolution prior to the Rule 16 conference.

The Parties and, as re-confirmed by the Deputy Clerk, the Court are available on September 7, 2023 at 10:30 a.m. Accordingly, I respectfully request, with the consent of all Parties, to reschedule

the hearing to that date and time. This proposed date accommodates the ongoing mediation posture of this matter and travel schedules of counsel.

Accordingly, I respectfully request that the Court adjourn the present hearing date from July 6 until **Thursday, September 7, 2023, at 10:30am.**

Respectfully submitted,

/s/ Megan Keenan

Megan Keenan

Attorney

INFORMATION DIGNITY ALLIANCE

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*Attorney for Plaintiff Brian White*

Cc: Other counsel of record and Ms. Rivers via ECF or via email on consent

**The Rule 16 conference is adjourned to  
Thursday, September 7, 2023, at 10:30  
a.m.**

**SO ORDERED.**

**Date: June 30, 2023**

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge